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09/875,053	06/07/2001	Kimberly Patrick Farrow	7099-1461	6053

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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/875,053

Applicant(s)
Farrow et al.

Examiner
Cuong H. Nguyen

Art Unit
3625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 21, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the amendment received on 7/12/2003, which paper has been placed of record in the file.
2. Claims **1-12** are pending in this application (on 10/27/2003 the applicants elect method claims (1-12) for examination).

Response to Amendment

3. The examiner withdraws previous 35 USC 102(b) rejections after fully considering the amended claims; those amended claims overcome previous rejections. Applicants' arguments (7/21/2003) are moot in view of the following new ground(s) of rejections. (Please note that adding those amended contents do not help to make pending independent claims non-obvious – with the help of Internet communication, it is obvious to one of ordinary skill in the art to store a content from different servers, including affiliates of those servers (e.g., due to geographical or facilities or equipment capabilities purposes), not necessary from a main server because these servers are coupled/linked together). Furthermore, an associate's website would contains any information that is related to and involved in a transaction (e.g., it reflects a price/condition offering from a seller: a rebate coupon from Ford Motors for 1995 Mustang cars made by Ford).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 1 recites the limitation "the second server" in the last paragraph. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action was provided in previous Office Action.

5. Claims **1-2, 7, 11, 12** are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Bezos** et al. (US Pat. 6,029,141).

A. Re. To claim 1: **Bezos** et al. teach that in a network comprised of a client device and at least two server devices, a method for providing real-time price information upon request (see **Bezos** et al., Fig.1, refs. 108, 106, 100), comprising:

- receiving, at a first server device from a user/client device, a request for content (see **Bezos** et al., Fig.1, refs. 104, 106, 108 for an Internet communication link that reflecting this communication); **Bezos** et al. also teach that can be made to the "ASSOCIATE WEB SITE" (see **Bezos**, Fig.1 – ref. 100, AND 6:2-11), **Bezos** et al. disclose that an associate is an entity other than the seller (see **Bezos** et al., claim 23).

- providing, by a first server to a user/client device (see **Bezos** et al., Fig.1 – ref. 136, 6:2-11), the requested content (e.g., HTML DOCS, including a content's web site – Fig.1 – ref. 100); and receiving a requested content; and
- **Bezos** et al. teach that a requested content in the Internet including a content's web site – see **Bezos** et al., Fig.1, ref.100, wherein ref.100 is linked to ref.160 by programming, and Fig.2, refs.200, & ref.106.

Bezos et al. also teach about receiving a request and updating for variable/modifiable data (see **Bezos** et al., 9:5-8, and 11:43-61, i.e., modifying data about product offerings), and codes; responding to the request for data and code, receiving requests for updates, and to respond to requests for updates to those data – these are obvious by the task of modifying data after receiving. **Bezos** et al. also teach about providing a client device updates to data referenced in the content, wherein the data is subject to update by the second server (i.e., email communications from a merchant website having a web server to an associate computer (see Fig.2, refs. 200 & 106), that updated content is again sent to a client (see Fig.1, ref. 100)).

Although **Bezos** et al. do not use the same languages as in claim 1, the examiner submits that **Bezos** et al. structural configurations sufficiently teach all Internet communication between a user, an associate web site, and a web server for providing updated real-time price information upon request – please note also that the claimed phrase “substantially continuously” is quite obvious in this Internet communication in **Bezos** et al.’s reference.

It would be obvious to one of ordinary skill in the art to recognize that **Bezos et al.** teach all structural configurations for communications among a client, an associate web site, and a merchant web site to suggest an Internet method that updating prices on both a merchant web site, and an affiliate web site to reflect a common unique price because a client can trust that same unique price at related web site have been applied.

B. Re. To claims 7, 11, and 12: They contain similar or lesser features/limitations as claimed in claim 1; therefore, similar rationales and reference are applied for rejections under 35 USC 103(a).

C. Re. To claim 2: The rationales and reference for rejection of claim 1 are incorporated.

Bezos et al. suggest about making a selection/determination from a client device, and a first web server to let a second server making related modification e.g., sending an email for changing shipment/price .etc. (see **Bezos et al.**, 9:5-8, 5:4-14, and 12:15-25).

The examiner submits that **Bezos et al.**'s reference teaches about modified data after making decisions. It is obvious that the modification would be made by any involved parties.

6. Claims **3, 8** are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Bezos et al.** (US Pat. 6,029,141), in view of **Jammes et al.** (US Pat. 6,484,149).

A. Re. To claim 3: The rationales and reference for rejection of claim 1 are incorporated.

Bezos et al. do not disclose about transmitting codes from a first server to a client.

However, **Jammes** et al. further suggest that transmitting codes from a first server to a user/client, wherein code executing on a user/client device establishes a communication link with a second server to receive any updates to data referenced in the content (see **Jammes** et al., 6:58-65, 12:14-44, and 43:6-12), (please note that “receiving any updates to data” was taught by Bezos et al. in 9:5-8, and 11:43-61).

It would be obvious to one of ordinary skill in the art to implement Bezos et al. reference with Jammes et al.’s teaching to transmitting computer codes between related parties, to make a communication link among them in the Internet because transmitting programmed codes is considered as a way of download a communication content in the Internet.

B. Re. To claim 8: It contains a similar limitation as claimed in claim 3; therefore, similar rationales and reference are applied for a rejection under 35 USC 103(a).

7. Re. To claim 4: It is rejected under 35 U.S.C. § 103(a) as being unpatentable over **Bezos** et al. (US Pat. 6,029,141), in view of **Jammes** et al. (US Pat. 6,484,149).

The rationales and reference for rejection of claim 1 are incorporated.

Bezos et al. do not disclose about transmitting executable codes from a first server to a client device, wherein the code executing on a user/client device generates updates to data based on detected conditions.

However, **Jammes** et al. further suggest et al. transmitting executable code from a server to a user/client device, wherein the code executing on a user/client device generates updates to data based on detected conditions (see **Jammes** et al., 6:58-65, 12:14-44, and 43:6-12); (please note that updating a content is taught by **Bezos** et al., see 9:5-8, and 11:43-61, i.e., modifying data about product offerings).

It would be obvious to one of ordinary skill in the art to implement **Bezos** et al. reference with **Jammes** et al.'s teaching to transmitting executable codes between related parties, because transmitting programmed codes is considered as a way of download a communication content in the Internet.

8. Claims **5, 9** are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Bezos** et al. (US Pat. 6,029,141), in view of **Jammes** et al. (US Pat. 6,484,149).

A. Re. To claim 5: The rationales and references for rejection of claim 1 are incorporated.

Bezos et al. do not disclose about providing, by a second server, an interface with a purchasing service.

However, **Jammes** et al. disclose that providing, by a second server (e.g., a mail server), an interface with a purchasing service (see **Jammes** et al., the abstract). The examiner also submits that this teaching about providing an interface for an Internet service has been old and well-known.

B. Re. To claim 9: It contains a similar limitation as claimed in claim 5; therefore, similar rationales and reference are applied for rejections under 35 USC 103(a).

9. Claims **6, 10** are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Bezos** et al. (US Pat. 6,029,141), in view of **Godin** et al. (US Pat. 5,890,138), and further in view of **Chelliah** et al., (US Pat. 5,710,887).

A. Re. To claim 6: The rationales and reference for rejection of claim 1 are incorporated.

Bezos et al. do not disclose about narrow casting and providing narrowcasted variable data.

However, **Godin** et al. disclose that providing variable data that has been narrowcasted i.e., a "final price" for an item is provided to a user by a mail server (see **Godin** et al., Fig.1-ref. 34); this is for only clients/users in that mail server's list (for a narrow-casting purpose). Furthermore, **Chelliah** et al. disclose about narrow casting and providing variable data, see **Chelliah** et al. 12:34-42, "A Customer/Participant 12 enters an electronic storefront 14 and is presented with the store's Product Database 116 in connection with in-store sales, presented by the Sales Representative 114 together with an Incentives Subsystem 160 and narrowcast advertising targeted at the Customer through a Promotions Subsystem 162 based on the Customer's demographics or purchasing habits as defined by a Participant Subsystem 164 and Customer Accounts Subsystem 117".

It would be obvious to one of ordinary skill in the art to combine **Godin** et al., **Bezos** et al., and **Chelliah** et al. because they implement each other in suggesting an Internet method that utilizing narrow-casting, and providing

variable data because this method is already known to target specific viewers/listeners that are able to involve in that purchasing.

B. Re. To claim 10: It contains a similar limitation as claimed in claim 6; therefore, similar rationales and reference are applied for rejections under 35 USC 103(a).

Conclusion

10. Claims **1-12** are not patentable.

11. Applicants' amendment necessitated new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Note: Narrow casting is equivalent to transmitting a selected audience/demographic; for example, people who have paid for cable TV service, or in a mail server's roster.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dialog file 16 (database PROMT (R)), No. 6296727, "Amazon.com introduces "Amazon.com Associates"--a new model for internet-based commerce." Business Wire, 3 pages, Jul. 18, 1996.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WYNN W. COGGINS can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Cuong H. Nguyen

CUONG H. NGUYEN
Primary Examiner
Art Unit 3625